



Crl.O.P.No.27921 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27921 of 2022

Mubeenuddin

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.

(Crime No.351 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the Petitioner on bail in Crime No.351 of 2022 on the file of the respondent Police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.10.2022, for the offences punishable under Section 302 of IPC, in Crime No.351 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Kumari is that the accused was running a hotel in the name of Mohammed. On 06.10.2022, at about 9.30 p.m., when the accused attempted to take his two wheeler outside, two unknown persons dashed their vehicle against his vehicle and there was a quarrel between them. During such time, the father of the de-facto complainant, aged about 75 years had intervened and attempted to pacify them, at that time, the accused had assaulted him, due to which, he fallen down and become unconscious and he was taken to hospital, whereas, he died on 07.10.2022, without responding to the treatment. Hence the case.

3. The learned counsel appearing for the petitioner would submit



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that the petitioner is an innocent person. He would further submit that there was a quarrel between the petitioner and a husband and wife, during such time, the deceased had intervened them and in a fit of rage, the petitioner had committed the said offence and there is no intention or motive on the part of the petitioner to commit murder of the father of the de-facto complainant. He would also submit that it was unfortunate that he fell down and due to his old age, he died. He would further submit that the petitioner is in custody from 07.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that when the father of the de-facto complainant attempted to pacify the quarrel between the accused and two others, the accused had assaulted him, due to which he fallen unconscious and unfortunately, died on the next day, without responding to the treatment. He would further state that there is no previous case as against the petitioner. However, he would vehemently oppose for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Polur, Tiruvannamalai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

15.11.2022

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To

1. The Judicial Magistrate,
Polur, Tiruvannamalai.
2. The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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